

Attachment G

Declaration of Dee Ann Foster

1 Declaration of Dee Ann Foster

2 Pursuant to 28 U.S.C. § 1746

3 I, Dee Ann Foster, hereby declare and state as follows:

4 1. I am a U.S. Citizen over the age of eighteen and reside in Lanett, Alabama.

5 2. I have personal knowledge of the following facts, to which I could and would testify

6 to if I were called to testify as a witness.

7 3. In 2019, I bought a 2008 Ford Mustang GT from U.S. Auto with a loan from U.S.
8 Auto. I bought the vehicle at their dealership in Columbus, Georgia. I was aware that U.S. Auto had
9 installed an ignition kill switch and a late-payment alarm in my vehicle.10 4. In or about May 2019, my husband and I traveled to Arkansas to support my brother
11 who was going through a difficult period after our mother's death. My husband and I were driving
12 home and stopped in a small town for dinner. When we returned to the car, the engine would not
13 start. We were current on our payments, and the car did not emit a warning noise as it had done in
14 the past when a payment was due within twenty-four hours.15 5. I called my loan servicer USASF, and a representative informed me that they had
16 activated the kill switch due to us not having insurance. I told them this was false, and that I had
17 provided them with proof of insurance when I bought the car. Since the vehicle shutoff occurred
18 around 5pm on a Friday, the representative told me they would not be able to remedy the situation
19 since the people who could verify that I had insurance were gone for the weekend.20 6. My husband and I had no money for a hotel room, so we slept in our car for three
21 nights in this unfamiliar town in Arkansas. We had only budgeted for the gas money home, so we
22 ate minimally during this time. We had to bathe at a truck stop. On Monday, USASF deactivated the
23 kill switch, and they admitted they did indeed have our insurance on file. This ordeal was infuriating
24 and embarrassing. It was also exhausting in the summer heat. The car was parked in a Burger King
25 lot. I experienced added embarrassment when I had to explain the situation to the restaurant's
26 manager to avoid being towed. We feared for our safety at night. My husband's health was adversely
27 affected since he is a diabetic and was not able to properly eat and rest. On top of that, we had to

1 pay more for our dogs being boarded for the unplanned days away when we returned home to
2 Alabama.

3 7. There were other instances when I was current on my payments and the car would
4 not start due to the ignition kill switch being activated. Each time I would call USASF and be put on
5 hold for about two hours. My husband was late for work at least six times due to this erroneous kill
6 switch issue. We lived in LaGrange at the time, about an hour and fifteen minutes from his job as a
7 truck driver for UPS Freight in Atlanta. Each time he was late, UPS would send out a replacement
8 driver, so it was the same financial outcome for us as if he'd missed an entire day. Additionally, he
9 had to suffer the embarrassment of telling his boss the reason for his car not starting was an ignition
10 kill switch. If my husband did not have seniority of having worked there for thirty years, he would
11 have lost his job over this tardiness. He made about \$2,000 per week, so this kill switch problem lost
12 us about \$2,400 of his wages in total.

13 8. On another instance, the kill switch was wrongly activated while my husband was at
14 work. He had just finished a long-haul job in Kentucky, so he was exhausted. I called USASF, but
15 no one answered since it was after five o'clock. My husband had to sleep in his car in the employee
16 parking lot that night. He called me and expressed his humiliation and anger. I was similarly furious.
17 My husband was also unable to take his diabetes medication due to being stranded, which posed a
18 serious health risk.

19 9. On at least seven separate occasions in 2020, when I was current on my payments,
20 the late-payment alarm went off. I would have to turn the ignition six times to get the noise to stop.
21 The erroneous alarms went off when I was at the grocery store, Walmart, and at work, to name a
22 few places. These were distressing events to happen in public since the noise was loud enough for
23 everyone in the parking lot to hear.

24 10. In 2021, I purchased a 2012 Kia Forte Coupe from U.S. Auto which had similar
25 erroneous kill switch issues. These only ceased in the summer of 2023 when I was informed by
26 Westlake Financial that they had taken over my loan and had not yet acquired the functionality to
27 engage kill switches.

28

1 11. This ordeal caused my husband and me significant emotional and financial distress. I
2 never received compensation from U.S. Auto for wrongfully activating the alarms or disabling the
3 vehicles I purchased from them.

4

5 I declare under penalty of perjury that the foregoing is true and correct.

6 Executed on Nov 1, 2023.

7

8 Dee Ann Foster

9 Dee Ann Foster

10 I called my husband and I traveled to Arkansas to support my husband
11 during a difficult period after my brother's death. My husband and I were driving
12 in his car to a small town for dinner. When we returned to the car, the engine would not
13 start. The car's dashboard lights were on, and the car did not have a warning message displayed on
14 the screen when a previous warning message disappeared.

15 I called our local dealer, AAA, and a representative informed me they had
16 checked the car and found no damage. I told them that my husband had
17 driven the car with prior to issues when I bought the car. Since the car had not been
18 driven since Friday, the representative told me there would be no damage to the car.

19 My husband and I had an appointment that evening, so we drove straight to the
20 nearest AAA towing service in Arkansas. We had only budgeted
21 approximately \$100 for this trip. The towing truck cost us \$100.

22 The tow truck driver informed us that the car had been disabled by the manufacturer
23 and that a repair would cost approximately \$1,000.

24 The tow truck driver informed us that he explained
25 the cost of the repair to us and that we could not afford to pay for the repair.

26 The tow truck driver informed us that he explained
27 the cost of the repair to us and that we could not afford to pay for the repair.